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09/128,244 08/03/98 ELLISON

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EXAMINER

FIELDS, K

ART UNIT

PAPER NUMBER

2153

DATE MAILED:

02/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.
09/128,244

Applicant(s)
Ellison et al

Examiner
Kenneth Fields

Group Art Unit
2153



- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-28 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-4, 6-13, 15-22, and 24-28 is/are rejected.
- ☒ Claim(s) 5, 14, and 23 is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4, 5, 6
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Drawings

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1-4, 6-13, 15-22 and 24-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Ramasubramanian et al (US 6,172,672).

Regarding claims 1, 10 and 19, Ramasubramanian discloses a system for sending improved quality video data to a client, comprising the steps of: sending a video stream to said client in accordance with a set of streaming constraints, said video stream comprising at least a subset of video information from a first source (fig. 1B, element 134); receiving a signal indicating a relaxation of said streaming constraints (col. 6, line 25 - col. 7, line 12); in response to said signal, accessing a set of improved quality video information from a second source (fig. 1B, element

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140), said improved quality video information comprising an improved quality version of at least a subset of the video information in said video stream; and sending said set of improved quality video information to said client (col. 6, line 25 - col. 7, line 12).

Regarding claims 2, 11 and 20, Ramasubramanian discloses said step of accessing said set of improved quality video information comprising the steps of: determining a first reference point from the information in said video stream; correlating said first reference point with a second reference point in said second source; and retrieving said set of improved quality video information from said second source based upon said second reference point (col. 6, line 25 - col. 7, line 12).

Regarding claims 3, 12 and 21, Ramasubramanian discloses a system, wherein said set of improved quality video information comprises a still image (col. 6, line 25 - col. 7, line 12).

Regarding claims 6, 15 and 24, Ramasubramanian discloses a system, wherein said second source comprises a set of preprocessed video information which is ready to be streamed, and wherein said improved quality video information comprises at least a subset of said preprocessed video information (col. 6, line 25 - col. 7, line 12).

Regarding claims 7, 16 and 25, discloses a system, wherein said signal indicates that video information is to be displayed at said client at a slower presentation rate, and wherein said step of sending said set of improved quality video information comprises the step of streaming said improved quality video information to said client at an appropriate streaming rate to accommodate said slower presentation rate (col. 6, line 25 - col. 7, line 12).

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Regarding claims 8, 17 and 26, Ramasubramanian discloses a system, wherein said step of accessing said set of improved quality video information comprises the steps of: determining a first reference point from the information in said video stream; correlating said first reference point with a second reference point in said set of preprocessed video information; and retrieving a set of improved quality video information from said set of preprocessed video information based upon said second reference point (col. 6, line 25 - col. 7, line 12).

Regarding claims 9, 18 and 27, Ramasubramanian discloses a system, wherein said signal is a pause control signal (col. 6, line 25 - col. 7, line 12).

Regarding claim 28, Ramasubramanian discloses a video server, wherein said video server comprises a stream server (fig. 1B, element 130) configured to receive said signal and send video information and a video pump (fig. 1B, element 136), configured to communicate with said stream server and access said first and second source.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 13 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramasubramanian et al (US 6,172,672).

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Regarding claims 4, 13 and 22, Ramasubramanian discloses transmitting a still image of improved quality to the client but does not disclose a still image which takes the form of an image file such a JPEG file or GIF file. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide still images disclosed by Ramasubramanian in common image formats such as JPEG or GIF files. The rationale is as follows: as JPEG and GIF file formats are widely utilized and supported on the world wide web, one of ordinary skill in the art would have been motivated to provide the still images of Ramasubramanian in formats such as JPEG or GIF, thereby providing the images in standard formats which can be transmitted easily via the Internet.

Allowable Subject Matter

6. Claims 5, 14 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shaffer et al (US 5,995,490), Sekine et al (US 5,808,660) and Brusewitz et al (US 6,038,257) disclose video delivery systems.

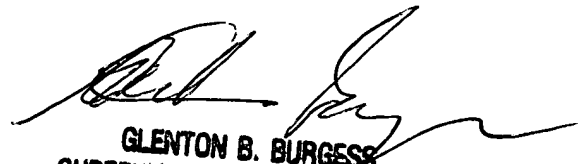
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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Fields whose telephone number is (703) 308-4954.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 305-3900.

KF

Kenneth Fields
February 9, 2001


GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100